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8 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
 9 **(SAN JOSE DIVISION)**

10 EQUAL EMPLOYMENT OPPORTUNITY)
 11 COMMISSION,)

12 Plaintiff,

13 v.

14 SLADANA LUCICH d/b/a WHITE OAKS
 15 AUTO BODY

16 Defendants.

FILED

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EFiling NORTHERN DISTRICT COURT
 SAN JOSE DIVISION, CALIFORNIA

MGS

C Civil Action No.

07

COMPLAINT

Civil Rights - Employment HRL
 Discrimination

DEMAND FOR JURY TRIAL

17 **NATURE OF THE ACTION**

18 This action is brought pursuant to Title VII for the Civil Rights Act of 1964 to
 19 correct unlawful employment practices on the basis of sex and retaliation and to
 20 provide appropriate relief to Charging Parties Maria Guadalupe Quinones, Maria
 21 Gomez, Ricardo Lirios, Alfonso Juarez, Luis Mendoza and Raul Mora who were
 22 adversely affected by such practices. Charging Parties Maria Guadalupe Quinones and
 23 Maria Gomez were discriminated against by Sladana Lucich d/b/a White Oaks Auto
 24 Body ("White Oaks") when they were sexually harassed by a management official of
 25 Defendant. In addition, when complaints were made by all of the Charging Parties
 26 about the harassment, they were unlawfully discharged in retaliation for opposing the
 27 discrimination.

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JURISDICTION AND VENUE

2 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331,
3 1337, 1343 and 1345. This action is authorized and instituted pursuant to §706(f)(1) and
4 (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5(f)(1) and
5 (3) ("Title VII") and §102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

6 2. The unlawful employment practices alleged herein were committed in the
7 State of California, thus venue is proper "in any judicial district in the State in which the
8 unlawful employment practice is alleged to have been committed." (§706(f)(3) of Title
9 VII, 42 U.S.C. §2000e-5(f)(3)). Venue is therefore proper in the United States District
10 Court for the Northern District of California (San Jose Division).

INTRADISTRICT ASSIGNMENT

12 3. This action is appropriate for assignment to San Jose as the unlawful
13 employment practices alleged herein were committed in Santa Clara County.

PARTIES

15 4. Plaintiff, the Equal Employment Opportunity Commission
16 ("Commission") is the agency of the United States of America charged with the
17 administration, interpretation and enforcement of Title VII, and is expressly authorized
18 to bring this action by §706(f)(1) and (3) of Title VII, §2000-e(f)(1) and (3).

19 5. Defendant Sladana Lucich d/b/a White Oaks Auto Body ("White Oaks")
20 is a California company, doing business in the State of California, in the County of Santa
21 Clara, and has continuously had at least 15 employees.

22 6. At all relevant times, White Oaks has continuously been an employer
23 engaged in an industry affecting commerce, within the meaning of Section 701(b), (g)
24 and (h) of Title VII, 42 U.S.C. §2000-e(b), (g) and (h).

25 7. At all relevant times, Defendant, White Oaks Auto Body employed all six
26 Charging Parties for purposes of Title VII liability.

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1 **STATEMENT OF CLAIMS**

2 **FIRST CLAIM FOR RELIEF**

3 **Violation of Title VII of Civil Rights Act : Sex Discrimination,
Sexual Harassment**

4 8. More than thirty days prior to the institution of this lawsuit, Charging
5 Parties Maria Guadalupe Quinones, Maria Gomez, Ricardo Lirios, Alfonso Juarez, Luis
6 Mendoza and Raul Mora filed charges with Plaintiff Commission alleging violations of
7 Title VII by Defendant. All conditions precedent to the institution of this lawsuit have
8 been fulfilled.

9 9. Since at least July 2004, Defendant has engaged in unlawful practices of
10 discrimination at its Campbell, California facility, in violation §703(a) (1)of Title VII, 42
11 U.S.C. §2000e-2(a)(1) by subjecting Charging Parties Quinones and Gomez to a hostile,
12 abusive, intimidating and offensive work environment due to sexual harassment. The
13 sexual harassment included, but is not limited to, the shop manager engaging in
14 unwelcome conduct of a sexual nature, such as attempting to establish a sexual
15 relationship, commenting about the women's clothing and encouraging them to wear
16 tighter clothes, threatening to fire the women if they would not comply, offering bribes
17 to get oral sex, physical acts of a sexual nature and subjecting the women to prurient
18 ogling.

19 10. Although the female employees resisted the sexual harassment and
20 complained of the harassment, Defendant failed to exercise reasonable care to prevent
21 and/or correct promptly any discrimination on the basis of sex.

22 11. The effect of the actions complained of in Paragraph 9 and 10 above has
23 been to deprive Charging Parties Quinones and Gomez of equal employment
24 opportunities and otherwise adversely affect their status as employees because of sex.

25 12. The unlawful employment practices complained of in Paragraph 9 and 10,
26 above, were intentional.

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1 13. The unlawful employment practices complained of in Paragraph 9 and
2 10, above, were done with malice or with reckless indifference to the federally protected
3 rights of Charging Party Quinones and Charging Party Gomez.

SECOND CLAIM FOR RELIEF

Violation of Title VII of Civil Rights Act: Sex Discrimination, Retaliation

14. Plaintiff Commission hereby incorporates the allegations of Paragraphs 1 through 8 above as though fully set forth herein.

15. Since at least September 2004, Defendant engaged in unlawful retaliatory practices in violation of §704(a) of Title VII, 42 U.S.C. §2000e-3(a). Defendant's retaliatory conduct included, but is not limited to, discharging Charging Parties Maria Guadalupe Quinones, Maria Gomez, Ricardo Lirios, Alfonso Juarez, Luis Mendoza and Raul Mora because they opposed practices made unlawful by Title VII when they complained to the owner and shop manager about the harassment.

16. The effect of the actions complained of in Paragraph 15 above has been to deprive the Charging Parties of equal employment opportunities and otherwise adversely affect their status as employees for engaging in a protected activity.

17. The unlawful employment practices complained of in Paragraph 15 above were intentional.

18. The unlawful employment practices complained of in Paragraph 15 above were done with malice or with reckless indifference to the federally protected rights of the Charging Parties.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons acting in concert or participation with them, from engaging in discrimination against their employees including harassment based on sex and retaliation.

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1 B. Order Defendant to institute and carry out policies, practices, and
2 programs which prohibit harassment based on sex and retaliation, and which eradicate
3 the effects of their unlawful employment practices.

4 C. Order Defendant to make whole Charging Parties by providing
5 appropriate back pay and benefits with prejudgment interest, and other affirmative
6 relief necessary to eradicate the effects of its unlawful employment practices, including
7 but not limited to, reinstatement and/or front pay and other appropriate relief to be
8 determined at trial.

9 D. Order Defendant to make whole Charging Parties by providing
10 compensation for past and future pecuniary losses resulting from the unlawful
11 employment practices complained of above, including but not limited to such out-of-
12 pocket expenses as medical care necessitated by Defendant's unlawful conduct, in
13 amounts to be determined at trial.

14 E. Order Defendant to make whole Charging Parties by providing
15 compensation for past and future nonpecuniary losses resulting from the unlawful
16 practices complained of above including, but not limited to emotional pain and
17 suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be
18 determined at trial.

19 F. Order Defendant to pay Charging Parties punitive damages for the
20 malicious and reckless conduct described above, in amounts to be determined at trial.

21 G. Grant such further relief as the Court may deem just and proper in the
22 public interest.

23 H. Award the Commission its costs of this action.

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1 **DEMAND FOR JURY TRIAL**

2 Pursuant to the provisions of Federal Rule of Civil Procedure 38(b), Plaintiff
3 hereby demands a jury trial.

4 RONALD S. COOPER
5 General Counsel

6 GWENDOLYN YOUNG REAMS
7 Associate General Counsel

8 **Equal Employment Opportunity**
9 **Commission**
10 1801 L Street, N.W.
11 Washington, DC 20507

12 Date: January 24, 2007

13 
14 WILLIAM R. TAMAYO
15 Regional Attorney

16 Date: January 24, 2007

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18 JONATHAN T. PECK
19 Supervisory Trial Attorney

20 Date: January 23, 2007

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